

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA
BLUEFIELD

LATHRONEA P. GRESHAM,

Plaintiff,

v.

CIVIL ACTION NO. 1:92-01003

NORFOLK SOUTHERN CORPORATION
a.d.b.a Norfolk & Western
Railway Company, et al.,

Defendants.

MEMORANDUM OPINION AND ORDER

In 1992, plaintiff filed a lawsuit against defendants, her employer, alleging discrimination on the basis of race and sex in violation of both Title VII and the West Virginia Human Rights Act. On July 21, 1994, after a multi-day bench trial, the court entered judgment in favor of defendants and ordered the case removed from the court's docket. On September 8, 1995, the United States Court of Appeals for the Fourth Circuit affirmed the district court's judgment.

On April 2, 2015, plaintiff filed a motion to reopen this case which she titled "Plaintiff's Notice of Motion and Motion to Re-open Legal Actions for Relief from Judgments Pursuant to FRCP 60(4), (6)(d)(3) - Fraud Upon the Court by Officers of the Court, et al to Conceal Violations of Various Laws by Defendants Including Those Defined in 18 U.S. Code Section 1961(1)(A)(B), Etc." (Doc. No. 159). Defendants filed a response to plaintiff's motion indicating their opposition to reopening the

case, as well as a motion to strike and for sanctions. On July 28, 2015, the court denied plaintiff's motion to reopen, finding that she was not entitled to relief under either Federal Rule of Civil Procedure 60(b)(4) or 60(d)(3).

On August 3, 2015, plaintiff filed "Plaintiff's Opposition and Objection to Misrepresentations in Memorandum Opinion and Order Dated 7/28/2015, Signed by David A. Faber, - Sr. U.S. District Court Judge." (Doc. No. 173). On August 7, 2015, plaintiff filed a letter addressed to the undersigned and Chief Justice Roberts the subject of which is "Consolidating and Joining TCU, et al and NSC, et al CA #s 1004 and 1003 - Appeal Nos. 1:94-8090 and 94-2149 S. Ct. Docket No. 94-9848 TCU, et al - Rule 60(d)(3) Fraud on the Court Violations and 18 U.S.C. Section 1001, etc. Fourth and Tenth Circuits." (Doc. No. 174). The Clerk's Office of this court docketed Doc. No. 174 as a Motion to Vacate. On August 28, 2015, the United States Court of Appeals for the Fourth Circuit sent a letter to the Clerk of this Court indicating that the Fourth Circuit considered one of the aforementioned documents (Doc. No. 173 or 174) to be "a motion under Fed. R. Civ. P. 50(b) (for judgment), 52(b) (to amend or make additional findings), 59 (to alter or amend judgment or for new trial), or 60 (to vacate) filed within 28 days of entry of judgment." (Doc. No. 177). To the extent that plaintiff's filings are any of the foregoing, the motions are DENIED for the

reasons expressed in the Memorandum Opinion and Order of July 28, 2015.

The Clerk is directed to send copies of this Memorandum Opinion and Order to counsel of record and to plaintiff, pro se.

IT IS SO ORDERED this 3rd day of September, 2015.

ENTER:

A handwritten signature in black ink, reading "David A. Faber", is written over a horizontal line.

David A. Faber

Senior United States District Judge